

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KAREN LEWIS,)	CASE NO. 1: 24 CV 325
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING REPORT</u>
)	<u>AND RECOMMENDATION</u>
COMMISSIONER OF SOCIAL)	<u>AND DISMISSING ACTION</u>
SECURITY,)	<u>WITHOUT PREJUDICE</u>
)	
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Reuben J. Sheperd. (ECF #9) Plaintiff, Karen Lewis, seeks judicial review of the final decision of the Commissioner of Social Security denying her application for disability benefits under Title II of the Social Security Act. Plaintiff's motion to proceed in forma pauperis was denied and Plaintiff was ordered to pay the filing fee or supplement her IFP affidavit by April 15, 2024 which she has failed to do. Plaintiff was subsequently noticed on April 22, 2024 to provide the supplement or the fee or risk dismissal of her case. (ECF #6 and #7) As Plaintiff failed to supplement her affidavit or pay the filing fee by the date of the instant Report and Recommendation, Magistrate Judge Shepherd recommends that Plaintiff's action be dismissed without prejudice as the result of her continued failure to advance her case. No objection to the Report and Recommendation has been filed.

Standard of Review

The applicable standard of review of a magistrate judge's report and recommendation depends upon whether objections were made to that report. When objections are made to a report

and recommendation of a magistrate judge, the district court reviews the case *de novo*. FED R. Civ. P. 72(b)(3). When no timely objection is filed, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s notes (citations omitted). See also, *Thomas v. Arn*, 474 U.S. 140, 150 (1985)(“It does not appear that Congress intended to require district court review of magistrate judge’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to these findings.”)

The Court has carefully reviewed the Report and Recommendation and agrees with the findings set forth therein. The Report and Recommendation of Magistrate Judge Shepherd (ECF #9) is ADOPTED. This action is dismissed without prejudice.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: July 19, 2024